

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

AIMEE MARIE BENTSON

v.

DAVID E. CHYMA

§

§

§

§

§

Civil Action No. 4:15-CV-523

(Judge Mazzant/Judge Nowak)

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On December 11, 2017, the report of the Magistrate Judge (Dkt. #68) was entered containing proposed findings of fact and recommendations that: Defendant be held liable to Plaintiff for the sum of \$2,000 incurred in actual damages and \$1,000 incurred in statutory damages under the FDCPA, that Plaintiff's request for attorney fees in the amount of \$30,387.50 and Plaintiff's request for court costs in the amount of \$600.00 be granted, and that Plaintiff's request for statutory damages under the TDCA and for exemplary damages be denied.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendant David E. Chyma is directed to pay damages in the amount of \$3,000.00¹, attorney fees in the amount of \$30,387.50, and costs in the amount of \$600.00, for a total of \$33,987.50, to Plaintiff Aimee Marie Benston.

¹ The Magistrate Judge recommended \$2,000 for mental anguish damages. Since there were no objections to this recommendation, the Court will adopt this finding. However, the Court would have awarded a higher amount.

IT IS SO ORDERED.

SIGNED this 8th day of February, 2018.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE